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REGULATIONS FOR THE CONTROL OF NOISE IN THE CITY OF BOSTON

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November 10, 1971

ers:
Fay, Chairman — Andrew P. Sackett, M.D., Commissioner of Health & Hospitals — Edward V. Hickey

REGULATIONS FOR THE CONTROL OF NOISE IN THE CITY OF BOSTON

The Boston Air Pollution Control Commission, acting under the authority granted by Chapter 40, Section 21 of the General Laws of the Commonwealth of Massachusetts, and by Chapter 15, Section 2 of the Revised Ordinances of the City of Boston of the year 1961, as inserted by Chapter 14, Section 5 of the Ordinances of 1968, and as amended by Chapter 3, Section 1 of the Ordinances of 1970, hereby adopts the following Regulations for the Control of Noise in the City of Boston.

REGULATION 1. DEFINITIONS

1.1 COMMISSION means the Air Pollution Control Commission of the City of Boston, or its successor as may hereinafter be designated.

1.2 PERSON means an individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau, or agency, or any other entity recognized by law as the subject of rights and duties.

1.3 Acoustical Terminology used throughout these Regulations is that most recently approved as American Standard Acoustical Terminology by the American National Standards Institute (ANSI); except as may be specified otherwise herein.

1.4 NOISE POLLU TION, means the presence of that amount of acoustic energy for that period of time necessary:

a) to cause temporary or permanent hearing loss in persons exposed;

b) to otherwise be injurious, or tend to be, on the basis of current information, injurious, to the public health or welfare;

c) to cause a nuisance;

d) to interfere with the comfortable enjoyment of life and property or the conduct of business; or

e) to exceed standards or restrictions established herein or pursuant to the granting of any permit by the Commission.

1.5 CONSTRUCTION SITE means any location on which exists (a) any construction, alteration, modernization, repair or demolition of any structure, or (b) any excavation, grading, street repair, utility installation or repair, or paving work, and for which a permit is required from the Building Commissioner, Department of Health and Hospitals, or Public Works Department of the City of Boston.

REGULATION 1. (Continued)

1.6 dB is the abbreviation for decibel

1.7 dB(A) shall mean the A-weighted sound pressure level in decibels, as measured by a general purpose sound level meter complying with the provisions of American Standard for General Purpose Sound Level Meters (S1.4 - 1971), American National Standards Institute (ANSI), properly calibrated, and operated on the "A" weighting network.

1.8 DAYTIME shall mean the period between the hours of seven ante meridian (7:00 a.m.) and six post meridian (6:00 p.m.) daily except Sunday according to the time system locally in effect.

1.9 Hz is the abbreviation for Hertz, which means cycles per second.

1.10 Reference Pressure shall be 0.0002 ($2X10^{-4}$) microbars.

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REGULATION 2. General Prohibition of Noise Emissions

No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment or continuation of a condition of noise pollution.

REGULATION 3. NOISE RESTRICTIONS ACCORDING TO ZONING DISTRICTS

3.1 Definitions

3.1.1 General

The definitions of zoning districts and the land uses therein are those already established by the Zoning Code of the City of Boston.

3.1.2 RESIDENTIAL USE shall include Use Items No. 1 through 15 inclusive and No. 53 of Section 8-7 of the Boston Zoning Code.

3.1.3 INSTITUTIONAL USE shall include Use Items No. 16 through 24 inclusive, except No. 19, of Section 8-7 of the Boston Zoning Code.

3.1.4 BUSINESS USE shall include Use Items No. 34 through 52 inclusive of Section 8-7 of the Boston Zoning Code.

3.2 Scope

This Regulation shall apply to the use or occupancy of any lot or structure thereon and to the noise produced thereby, but shall not apply to the following:

a. To the intermittent or occasional use, during the daytime, of Class 1 or Class 2 Equipment (as defined in Regulation 6), provided said equipment and its use complies with other provisions of these Regulations;

b. To construction activities and the associated use of Class 4 Equipment (as defined in Regulation 6), nor to the noise produced thereby, provided such activities, and such equipment and its use, comply with other provisions of these Regulations.

c. To the operation of any motor vehicle on any public way, nor to the noise produced thereby.

REGULATION 3. (Continued)

3.3 Noise in Residential Zoning Districts or Affecting other Residential or Institutional Property

No person shall create or cause to be emitted from or by any source subject to Regulation 3, any noise which causes or results in a maximum noise level, measured at any lot line of any lot located in any Residential Zoning District or in residential or institutional use elsewhere in conformance with the Boston Zoning Code, in excess of any level of the "Residential District Noise Standard",* Regulation 3.6; provided that if said lot is located in any Industrial District, the maximum noise level measured at the lot line shall not exceed any level of the "Business District Noise Standard",* Regulation 3.6

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* Approximate "Single-Number-System" equivalents of these Standards are as follows:

Zoning District	Daytime	All Other Times
Residential	60 dB(A)	50 dB(A)
Business	65 dB(A)	55 dB(A)

REGULATION 3. (Continued)

3.4 Noise in Business Zoning Districts

No person shall create or cause to be emitted from or by any source subject to Regulation 3, any noise which causes or results in a maximum noise level, measured at any lot line of any lot in any Business Zoning District other than a lot in residential or institutional use in conformance with the Boston Zoning Code, in excess of any level of the "Business District Noise Standard",* Regulation 3.6.

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* The approximate "single-number-system"equivalent of the Standard is 65 dB(A) during the "daytime", 55 dB(A) at all other times.

REGULATION 3. (Continued)

3.5 Noise in Industrial Zoning Districts

No person shall create or cause to be emitted from or by any source subject to Regulation 3, any noise which causes or results in a maximum noise level, measured at any lot line of any lot in recreational or business use in any Industrial Zoning District in conformance with the Boston Zoning Code, in excess of any level of the "Industrial District Noise Standard,"* Regulation 3.6.

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* The approximate "single-number-system" equivalent of the Standard is 70 dB(A) during the "daytime", 60 dB(A) at all other times.

REGULATION 3. (Continued)

3.6 Zoning District Noise Standards

Noise standards referred to in these Regulations for the several zoning districts of the City of Boston,as defined in and established pursuant to the Boston Zoning Code, are as established by the following Table.

TABLE OF ZONING DISTRICT NOISE STANDARDS

Octave Band Center Frequency of Measurement (Hz)	Maximum Allowable Octave Band Sound Pressure Levels					
	Residential		Business		Industry	
	Daytime	All Other Times	Daytime	All Other Times	Daytime	All Other Times
31.5	76	68	79	72	83	79
63	75	67	78	71	82	78
125	69	61	73	65	77	73
250	62	52	68	57	73	68
500	56	46	62	51	67	62
1000	50	40	56	45	61	56
2000	45	33	51	39	57	51
4000	40	28	47	34	53	47
8000	38	26	44	32	50	44
Approximate Single-Number-System (dB(A)*	60	50	65	55	70	60

* For Preliminary Survey and Monitoring Only

REGULATION 4. RESTRICTIONS ON NOISE EMITTED FROM CONSTRUCTION SITES

(Recommended for later adoption.)

REGULATION 5. RESTRICTIONS ON NOISE EMITTED FROM NEW VEHICLES FOR SALE OR LEASE

5.1 Definitions

5.1.1 MOTOR VEHICLE and MOTORCYCLE, shall be defined as in the General Laws of the Commonwealth, Chapter 90, Section 1, titled "Definitions".

5.1.2 LIGHT MOTOR VEHICLE, shall be defined as all motor vehicles having a gross vehicle weight of 10,000 lb. or less.

5.1.3 HEAVY MOTOR VEHICLE, shall be defined as all motor vehicles having a gross vehicle weight in excess of 10,000 lb.

REGULATION 5. (Continued)

5.2 Restrictions on Noise Emitted from New Motor Vehicles

No person shall sell or lease a new motor vehicle that produces a maximum noise level, in dB(A), exceeding the following limits (measured at a distance of fifty (50) feet from the centerline of travel, in accordance with the procedures established by the Commission):

Date of Manufacture of Vehicle	Light Motor Vehicle	Heavy Motor Vehicle	Motorcycle
After January 1, 1970	--	88	88
Before January 1, 1973	86	--	--
After January 1, 1973	84	86	86
After January 1, 1975	80	84	84
After January 1, 1980	75	75	75

REGULATION 6. RESTRICTION ON NOISE EMITTED FROM NEW OUTDOOR POWERED EQUIPMENT FOR SALE OR LEASE

6.1 Definitions

6.1.1 *CLASS 1 EQUIPMENT. LIGHT HOMEOWNER'S RESIDENTIAL OUTDOOR EQUIPMENT.*

Equipment of this class shall be defined as all engine- or motor-powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by homeowner (such as lawn mowers, garden tools, riding tractors, snow blowers, snow plows, etc.).

6.1.2 *CLASS 2 EQUIPMENT. COMMERCIAL SERVICE EQUIPMENT.*

Equipment of this class shall be defined as all engine- or motor-powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial or skilled operators (such as chain saws, log chippers, pavement breakers, etc.).

6.1.3 *CLASS 3 EQUIPMENT. COMMERCIAL AGRICULTURAL MACHINERY.*

Equipment of this class shall be defined as all engine- or motor-powered equipment, typically associated with agricultural operations (such as tractors).

6.1.4 *CLASS 4 EQUIPMENT. CONSTRUCTION AND OUTDOOR INDUSTRIAL EQUIPMENT.*

Equipment of this class shall be defined as all engine- or motor-powered outdoor equipment, whether mobile or stationary, which is associated with construction sites or industrial operations. Specifically excluded are pile drivers.

6.1.5 *CLASS 5 EQUIPMENT. PILE DRIVERS.*

Equipment of this class shall be defined as all equipment designed or used for the driving of piles, columns, and other supports into the soil or other material by means of impact, pressure, vibration, or other means.

REGULATION 6. (Continued)

6.2 Restriction on Noise Emitted from New Outdoor Powered Equipment for Sale or Lease - Other than Pile Drivers

No person shall sell or lease any new outdoor powered equipment that produces a maximum noise level, in dB(A), exceeding the following limits (measured at a distance of fifty (50) feet, under test procedures established by the Commission:

Date of Manufacture of Equipment	CLASS 1	CLASS 2	CLASS 3	CLASS 4
After January 1, 1972	74	88	88	94
After January 1, 1973	--	84	--	88
After January 1, 1975	70	--	86	--
After January 1, 1978	65	--	--	--
After January 1, 1980	--	80	80	80

REGULATION 7. ALARM AND PUBLIC ADDRESS SYSTEMS

7.1 Alarms and alarms systems listed in Regulation 7.3.1, and alarms installed in motor vehicles shall be provided with a positive means or procedure which deactivates any device producing an audible signal after not more than thirty (30) minutes of operation. This regulation shall take effect on July 1, 1972 for alarms and systems installed on or after that date; on January 1, 1973 for alarms and systems installed prior to July 1, 1972.

7.2 Any alarm, alarm system or public address system installed or modified after March 1, 1972 shall be registered with the Commission within thirty (30) days of installation or modification. Registration shall be on a form provided by the Commission, or a facsimile thereof; it shall be accomplished by the owner of the alarm or system, or his duly authorized agent.

7.3 Definitions

7.3.1 ALARMS: Burglar, boiler, and similar alarms which when activated produce a signal audible outside of the building on or in which the alarm is installed.

7.3.2 PUBLIC ADDRESS SYSTEMS: Any public address system which is plainly audible outside of the building on or in which such system is installed.

REGULATION 8. PERMITS

(It is intended that a permit system for construction activities will be adopted in the near future.)

REGULATION X. CONFLICT WITH OTHER REGULATIONS

The noise regulations shall not relieve any person from complying with other laws, statutes, codes, regulations, or ordinances of the Commonwealth or the City of Boston.

REGULATION Y. VARIANCES

The Commission may grant variances after public hearing or may reject applications on review without a hearing. Variances thus granted may be effective for no longer than one year.

REGULATION Z. SEVERABILITY

Each of these Regulations shall be construed as separate to the end that if any Regulation or section, sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of these Regulations shall continue in full force.

CHRONOLOGY

REGULATIONS 1,2,3,4,5,6,7,X,Y, and Z

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